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TO: FROM: May 7, 2004

David M. Saravitz

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ALSTON&BIRD LLP

3201 Beechleaf Court, Suite 600 Raleigh, NC 27604-1062

> 919-862-2200 Fax: 919-862-2260

TELECOPY

USPTO, ATTN: EXAMINER DAVID H. KRUSE

PLEASE DELIVER AS SOON AS POSSIBLE

H	Re: U.S. Patent Application for Genes and Vectors for Conferring Herbicide Resistance in Plants Appl. No. 09/997,900; Filed November 30, 2001								
NO. OF PAGES	1 1	OPERATO	OPERATOR:						
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CLIENT/MATTER:	043753/241148								
REQUESTED BY:	Marilyn Munoz	VOICE NUMBER:	(571) 272-0799						

Attorney's Docket No. 043753/241148 (5849-20A)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Kakefuda et al.

Confirmation No.: 5699

Appl. No.: 09/997,900

Group Art Unit:

1638

Filed:

November 30, 2001

Examiner:

David H. Kruse

For:

GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE IN

PLANTS

May 7, 2004

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Transmitted herewith is an AMENDMENT in the above-identified patent application.

Applicant claims small entity status. See 37 C.F.R. § 1.27. No additional fee is required.

The fee has been calculated as shown below:

(CQL. 1)) (COL. 2) (COL. 3) SMA		SMALL	MALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL	* 22	** 21	= 1	X 9=	S	X 18=	\$ 18
INDEP	+ 6	*** 6	= 0	X 43=	\$	X 86=	\$
_	ST PRES	ENTATION OF MUI	TPLE	+145=	\$	+290=	\$
				TOTAL ADD FEE \$		OR TOTAL	\$ 18

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

^{**} If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

In re: Kakefuda et al.
Appl. No.: 09/997,900
Filed: November 30, 2001
Atty. Dock. No. 043753/241148 (5849-20A)
Page 2

✓ Please charge my Deposit Account No. 16-0605 in the amount of \$18.00.
 ✓ A check in the amount \$18 to cover the additional fee is enclosed.
 ✓ The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
 ✓ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
 ✓ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,

David M. Saravitz Registration No. 55,593 Attorney/Agent of Record

Customer No. 00826
ALSTON & BIRD LLP

Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260 CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner David H. Kruse at the US Patent and Trademark Office of Tacsimile number (703) 872-9306 on the date shown below.

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May 7, 2004

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PATENT

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Appl. No.:

09/997,900

Confirmation No.: 5699

Applicant(s):

Kakefuda et al.

Filed:

November 30, 2001

Art Unit:

1638

Examiner:

David H. Kruse

Title:

GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE

IN PLANTS

Docket No.:

043753/241148 (5849-20A)

Customer No.: 00826

May 7, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT 37 C.F.R. § 1.121

Sir:

In response to the Office Action dated February 13, 2004, please amend the aboveidentified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

RTA01/2150466v1